

**IOWA BOARD OF MEDICINE  
REGULARLY SCHEDULED MEETING: April 2-3, 2015**

**A G E N D A**<sup>1, 2, 3, 4, 5</sup>

**BOARD MEMBERS:** Hamed Tewfik, M.D., Chairperson; Michael Thompson, D.O., Vice Chairperson; Allison Schoenfelder, M.D., Secretary; Frank Bognanno; Julie Carmody, M.D.; Ronald Cheney, D.O.; Diane Clark; Diane Cortese; Julie Perkins, M.D.

**THURSDAY, APRIL 2, 2015**

7:30 a.m.           **EXECUTIVE COMMITTEE – Medical Conference Room B**  
Chair Tewfik, Bognanno, Clark, Schoenfelder, Thompson

8:00 a.m.           **SCREENING COMMITTEE – Board Room**  
Chair Perkins, Carmody, Cheney, Cortese

9:00 a.m.           **MONITORING COMMITTEE – Board Room**  
Chair Thompson, Bognanno, Cheney, Perkins, Tewfik

9:00 a.m.           **LICENSURE COMMITTEE - Medical Conference Room B**  
Chair Schoenfelder, Carmody, Clark, Cortese

**OPEN SESSION - Board Room**  
Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

**CLOSED SESSION<sup>1</sup> - Board Room**  
Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

**A. Iowa Physician Health Committee**

**1. Notices of non-compliance**

**B. Committee Reports**

**1. Screening**

2. Monitoring
3. Licensure
- C. Review of closed minutes
  1. February 5-6, 2015 meeting
  2. February 19, 2015, teleconference
  3. March 5, 2015, teleconference
  4. March 26, 2015, teleconference

### **LUNCH BREAK**

#### **CLOSED SESSION<sup>1</sup> - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

#### **OPEN SESSION - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

#### **A. Unlicensed Practice of Medicine Cases**

#### **B. Vote on Closed Session Cases**

### **FRIDAY, APRIL 3, 2015**

8:00 a.m. -

#### **OPEN SESSION - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

#### **CLOSED SESSION<sup>1</sup> – Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

#### **OPEN SESSION - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

#### **A. Vote on Closed Session Cases**

9:00 a.m. -

#### **OPEN SESSION/PUBLIC MEETING<sup>3,5</sup> - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

#### **A. Roll-call to establish quorum; acknowledge absent Board members**

## **B. Opportunity for public comments<sup>5</sup>**

## **C. Board Minutes for Consideration of Approval**

1. February 5-6, 2015, meeting (Open & Closed sessions)
2. February 19, 2015, teleconference (Open & Closed sessions)
3. March 5, 2015, teleconference (Open & Closed sessions)
4. March 26, 2015, teleconference (Open & Closed sessions)

## **D. Chair's Report**

## **E. Executive Director's Report**

## **F. Administrative Rules**

1. **For consideration of adoption:** ARC1769C -- Standards of practice -- telemedicine.
2. **For information:** ARC1741C -- on-site supervision of physician assistants

## **G. 2015 Legislature Update**

1. **SF276** -- Inactive license deemed relinquished after 5 years; board shall issue an administrative medical license.
2. **SF273** -- Interstate Medical Licensure Compact
3. **HF581** -- Updates in Iowa Code Section 148E (acupuncture)
4. **Other**

## **H. North Carolina State Board of Dental Examiners v. Federal Trade Commission, No. 13-534**

U.S. Supreme Court on February 25, 2015, upheld the Federal Trade Commission's application of antitrust laws to activities of state agencies or boards comprised of market participants that lack active state supervision. The court determined that professional regulatory boards can be insulated from federal antitrust liability under the so-called "state action" doctrine if a state board's actions are conducted under "active state supervision" and the follow a "clearly articulated state policy" to displace competition.

- The "clear articulation" requirement is met "where the displacement of competition [is] the inherent, logical, or ordinary result of the exercise of authority delegated by the state legislature."
- The active supervision element requires that "state officials have and exercise power to review particular anticompetitive acts of private parties and disapprove those that fail to accord with state policy."

## **I. Judicial Review/Legal Update**

1. **IAC 653 13.10 – Standards of practice for physicians who perform medical abortions.** Supreme Court. Oral arguments were made to the court on March 11, 2015.
2. **Other**

#### **J. Iowa Physician Health Committee/Program**

1. Program update
2. FSPHP annual meeting, April 24-27, Fort Worth, TX
3. FSPHP Newsletter - March 2015

#### **K. Federation of State Medical Boards**

1. Annual meeting April 23-25 at Fort Worth
  - **Resolution 15-1** -- Establish work group to recommend guidelines on electronic medical records.
  - **Resolution 15-2** -- Establish work group to update FSMB's Model Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain.
  - **Resolution 15-3** -- Establish work group to develop model language in board actions and to coordinate with the American Board of Medical Specialties to better understand the types of actions and language that will affect board certification.
  - **Resolution 15-4** -- Establish work group to evaluate the feasibility of regulatory boards being allowed direct access to electronic medical records for the purpose of reviewing and downloading information necessary to a board process.
  - **Resolution 15-5** -- Establish work group to review uses of social media by regulatory agencies and recommend guidelines on best practices for regulatory agencies to follow in using social media and other forms of communication to publicize board news and information, including public disciplinary actions.

#### **L. Reports & Articles**

1. *Half of Doctors Surveyed Use PMPs*, Johns Hopkins Bloomberg School of Public Health, March 2, 2014
2. *Uncertainty and Litigation Fears Drive ED Docs to Overimage*, Medpage Today, March 25, 2015

#### **M. Licensure**

#### **N. 2015-16 Board organization**

1. Election of officers -- Chair, Vice Chair, Secretary
2. 2016 meeting schedule
3. Recognition of Board members completing their terms

#### **LUNCH BREAK**

#### **CLOSED SESSION<sup>1</sup> - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

## **OPEN SESSION - Board Room**

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

### **A. Vote on Closed Session Cases**

## **ADJOURN**

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

*(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2012 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (d), (f) and (g) of the 2012 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.*

*(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2012.*

*(3) Public agenda materials are available via e-mail. Public sessions are recorded and available via CD upon request. Contact [Alicia.Hill@iowa.gov](mailto:Alicia.Hill@iowa.gov).*

*(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.*

*(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.*

**The next scheduled Board meeting is Thursday and Friday, May 14-15, 2015, at 400 SW Eighth Street, Suite C, Des Moines, Iowa 50309.**

*If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.*